

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.24252 of 2006

Date : 21-11-2006

Between:

Smt.P.Saidamma w/o.Sri Ramaiah ..
Petitioner

and

District Election Authority and
District Collector, Nalgonda ..
and others
Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.24252 of 2006

ORDER:

1. Heard Sri C.Raghu, Counsel representing the writ petitioner, Sri V.V. Prabhakar Rao, Counsel representing the respondents 1 to 3 and Sri R.Prem Sagar, Counsel representing the 4th respondent.

2. The Writ Petition is filed for a writ of mandamus declaring the action of respondents 1 and 2 in not including the petitioner's name in the voters list pertaining to the 4th respondent in spite of recommendations from the 3rd respondent as illegal and arbitrary and further direct the respondents to include the name of the petitioner in the voters list pertaining to the 4th respondent and to pass such other suitable orders.

3. It is stated that the petitioner is a resident of Pedda Adisarlappalli village and Mandal, Nalgonda District and she has been residing there for the last three years and she belongs to Schedule Caste. It is stated that the Deputy Mandal Revenue Officer under the control of 3rd respondent

had issued a Household card vide No.WAP 235301800152 stating that she is a resident of the said village and she is the wife of Perla Ramaiah. The said card was issued after conducting due enquiry for the purpose of availing the benefit of Fair Price Shop No.18. It is also stated that when the petitioner made a claim to include her name to the 2nd respondent, the 2nd respondent had addressed a letter Lr.No.E/2564/2005 dated 10-7-2006 to the 3rd respondent asking him to submit proposals as per the guidelines and pursuant to the same the 3rd respondent had sent a report stating that 8 votes may be included and the name of the petitioner figures at Sl.No.1 and her vote falls within Polling Station No.97. It is also stated that basing on the said report the 2nd respondent had addressed a letter to the 1st respondent vide letter Lr.No.E/2564/2005 dated 15-11-2006 for inclusion of the names as per the report submitted by the 3rd respondent and all the eight names were recommended to be included. It is further stated that the list of eight names prepared by the 3rd respondent was also enclosed by the 2nd respondent in his letter dated 15-11-2006. It is also further stated that the 1st respondent did not take any action, but there was a newspaper publication stating that the Election notification shall be released on 18-11-2006; nominations would be received till 21-11-2006; nominations

would be scrutinized on 22-11-2006, withdrawal of nominations would be permitted on 25-11-2006 and 1-12-2006 would be the date of election and the result. The said news was published in the newspaper on 16-11-2006. It is also stated that after the publication of the said news the petitioner approached the respondents to enquire about the inclusion of her name in the voters list since she intends to file nomination for the post of Sarpanch. It is further stated that the 4th respondent Gram Panchayat was reserved for S.C. (Mahila) and unless she is a voter in the said Gram Panchayat she is not entitled to contest. The 3rd respondent after due enquiry had recommended for inclusion of the petitioner's name and therefore the 2nd respondent addressed letter to the 1st respondent for finalizing the list. But, the 1st respondent without including the name of the petitioner in the list had notified the election. Hence in such circumstances the writ petitioner approached this Court and the list of candidates whose names had been recommended for inclusion and the other proceedings had been produced before this Court.

4. When already the inclusion of the name of the writ petitioner had been recommended in normal course, the same should have been carried out even in the electoral list. The apprehension of the writ petitioner is that her nomination may be rejected on the ground that her name

does not figure in the electoral list despite the fact that the same was duly recommended by the competent authority for inclusion. It is also stated that the non-inclusion of the name of the writ petitioner in the electoral list is only a mistake and hence on that ground if rejection is made, the writ petitioner would be put to serious loss.

5. In the light of the peculiar facts and circumstances, this Court is of the considered opinion that a direction be issued to the respondents 1 to 3 to take further steps in relation to the inclusion at the appropriate stage. But however, it is made clear that the 2nd respondent not to reject the nomination of the petitioner on the ground that her name does not figure in the electoral list for the present.

6. Accordingly the Writ Petition is allowed to the extent indicated above. No costs.

Narayana

Justice P.S.

Date : 21-11-2006

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